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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 LAWRENCE ANTHONY PAUL, JR.,) Civil No. 12-CV-02046-AJB-BGS
12 Plaintiff,) ORDER:
13 v.) 1) ADOPTING REPORT AND
14 CAROLYN W. COLVIN, Acting) RECOMMENDATION, [Doc. No.
15 Commissioner of Social Security,) 25];
16 Defendants.) 2) DENYING PLAINTIFF'S
17 MOTION FOR SUMMARY
18 JUDGMENT, (Doc. No. 17];
19) 3) GRANTING DEFENDANT'S
20 CROSS-MOTION FOR SUMMARY
JUDGMENT, [Doc. No. 18]; AND
4) AFFIRMING THE ALJ'S
DECISION, [Doc. No. 18].

21 Pending before the Court Plaintiff's Motion for Summary Judgment, (Doc. No. 17)
22 . (Doc. No. 19) and Defendant's Cross-Motion for Summary Judgment (Doc. No. 18.) The
23 Court referred the matter to Magistrate Bernard G. Skomal.

24 On August 20, 2012, Plaintiff filed a complaint pursuant to the Social Security Act,
25 42 U.S.C. § 405(g), challenging the Commissioner of the Social Security Administration's
26 denial of disability benefits. (Doc. No. 1). On November 5, 2012 the Commissioner filed an
27 answer. (Doc. No. 7, 2013). On March 7, 2013, Plaintiff filed a Motion for Summary
28 Judgment requesting reversal of the Administrative Law Judge's ("ALJ") final decision.


(Doc. No. 17.) Magistrate Judge Skomal's R&R recommends this Court deny Plaintiff's Motion for Summary Judgment, grant Defendant's Cross-Motion for Summary Judgment, and affirm the ALJ's decision. (Doc. No. 25). The parties were instructed to file written objections to the R&R no later than October 1, 2013, and replies no later than October 8, 2013. (*Id.* at 23.) As of the date of this order, neither party has filed an objection to the R&R.

Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1) set forth a district judge's duties in connection with a magistrate judge's report and recommendation. The district judge must "make a *de novo* determination of those portions of the report to which objection is made," and "may accept, reject, or modify, in whole or in part, the finding or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also United States v. Remsing*, 874 F.2d 614, 617 (9th Cir. 1989). However, in the absence of timely objection(s), the Court "need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b), Advisory Committee Notes (1983); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

Here despite being represented by counsel, Plaintiff has failed to file timely objections to the R&R. Having reviewed the R&R, the Court finds that Magistrate Judge Skomal's R&R is thorough, well reasoned, and contains no clear error. Accordingly, the Court hereby: (1) **ADOPTS** Magistrate Judge Skomal's Report and Recommendation in its entirety; (2) **DENIES** Plaintiff's Motion for Summary Judgment; (3) **GRANTS** Defendant's Motion for Summary Judgment; and (4) **AFFIRMS** the ALJ's decision. The Clerk of Court is directed to close the case.

IT IS SO ORDERED.

DATED: October 25, 2013


 Hon. Anthony J. Battaglia
 U.S. District Judge